

The Hon. Kymberly K. Evanson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

OTIS LEE DEW,

Defendant,

and

KRISTIE GUY,

Third-Party Claimant.

NO. CR24-091-KKE

**STIPULATION AND
ORDER SETTling THIRD-PARTY
CLAIM**

The United States and Third-Party Claimant Kristie Guy present the following Stipulation and proposed Order to settle the asserted interest in the following property (collectively, the “Subject Property”), which was forfeited by Defendant Otis Lee Dew:

- a. One Glock 23 Pistol, bearing serial number PLU233 (the “Glock Pistol”);
- b. One Colt Combat Commander Pistol, bearing serial number 70BS40181 (the “Subject Colt Pistol”);
- c. One Norinco SKS Rifle, bearing serial number 9093780;
- d. One Romarm Cugir Rifle, bearing serial number ROA22AG6890;
- e. One Derringer 38 Spc Pistol, bearing serial number PR2068;

1 f. One Panzer Arms AR12 Tactical Shotgun, bearing serial number BP-18-
2 00530 (the “Panzer Shotgun”); and

3 g. Any and all associated magazines and ammunition.

4 As set forth below in greater detail, Ms. Guy has agreed to withdraw her claim to the
5 Subject Property, except for the Subject Colt Pistol, bearing serial number 70BS40181,
6 and the United States has agreed to recognize Ms. Guy’s claim to the Subject Colt Pistol.

7 I. BACKGROUND

8 In the Plea Agreement he entered on December 30, 2024, Defendant Otis Lee Dew
9 agreed to forfeit his interests in the Subject Property. *See* Dkt. No. 33. Prior to
10 Defendant’s sentencing, the Court entered a Preliminary Order of Forfeiture forfeiting
11 Defendant’s interest in the Subject Property. Dkt. No. 37. As required by 21 U.S.C.
12 § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(6)(C), the United States published notice of the
13 Preliminary Order of Forfeiture and its intent to dispose of the Subject Firearm in
14 accordance with governing law. Dkt. No. 38. That notice informed any third parties
15 claiming an interest in the Subject Firearm that they were required to file a petition with
16 the Court within 60 days of the date of the notice’s first publication on February 1, 2025.
17 *Id.*

18 As required by Fed. R. Crim. P. 32.2(b)(6)(A), the United States sent notice and a
19 copy of the Preliminary Order of Forfeiture to individuals identified as potential
20 claimants based upon the investigative materials. *See* Declaration of Assistant United
21 States Attorney Karyn S. Johnson in Support of Stipulation (“Johnson Decl.”), ¶ 2. The
22 United States sent direct notice to Michael W. Ward, as he appeared to be a potential
23 claimant to the Subject Colt Pistol, based upon the firearms trace report for the Subject
24 Colt Pistol (the “Tracing Report”) prepared by the United States Department of Justice,
25 Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). *Id.* ¶ 2(a) and Exhibit A.
26 According to the Tracing Report, Mr. Ward was the last individual to purchase the
27 Subject Colt Pistol from a Federal Firearms Licensee (“FFL”). *Id.*

1 The United States also sent notice of the pending forfeitures to individuals with
2 the initials B.S. and A.P., who appeared to be potential claimants to the Glock Pistol and
3 the Panzer Shotgun, respectively, based on firearms traces for those firearms. *Id.* ¶ 4 and
4 Exhibits B-C. The United States also provided direct notice of the pending forfeitures to
5 another potential claimant, L.G. The last of the mailed notice letters was delivered on or
6 about April 12, 2025. *Id.*

7 Ms. Guy filed a claim to the Subject Property (the “Claim”). *See* Dkt. No. 48. In
8 her Claim, Ms. Guy stated that she and Michael W. Ward had been registered domestic
9 partners in the State of Washington, Mr. Ward had passed away on June 10, 2017, and
10 she was the executor of his estate. *Id.* Ms. Guy represented that the Subject Property had
11 been stolen from Mr. Ward prior to his death, although she was unable to provide
12 documentation of the theft. *Id.* Ms. Guy also submitted an affidavit in which she
13 identified herself as Mr. Ward’s successor, as defined in RCW 11.62.005, and
14 represented that she had served or mailed written notice to all other successors to the
15 decedent identifying her claim and describing the property claimed. Dkt. No. 49. Ms.
16 Guy asserted that she was entitled to the property claimed on her own behalf. *Id.*

17 No competing claims to the Subject Property have been filed, and the period for
18 doing so expired on or about April 2, 2025, for the published notice, and May 11, 2025,
19 for direct notice.

20 II. STIPULATION AND AGREEMENT

21 The United States and Ms. Guy HEREBY STIPULATE and AGREE to the
22 following:

23 1. Ms. Guy agrees to withdraw the Claim she brought as to all Subject
24 Property, except the Subject Colt Pistol. Ms. Guy understands and agree that by entering
25 into this Stipulation and Agreement, Ms. Guy waives the right to further litigate any
26 interest in any of the Subject Property (except for the Subject Colt Pistol) and/or to
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1 petition for remission or mitigation of the forfeiture. Ms. Guy agrees not to oppose final
2 forfeiture to the United States of the Subject Property (except for the Subject Colt Pistol).

3 2. Ms. Guy asserts that Michael W. Ward was the rightful owner of the
4 Subject Colt Pistol.

5 3. Consistent with Ms. Guy's assertion, the Tracing Report for the Subject
6 Colt Pistol indicates that Mr. Ward was the last individual to purchase the Subject Colt
7 Pistol from an FFL. Specifically, Mr. Ward purchased the Subject Colt Pistol on or about
8 August 4, 1977, from an FFL in Everett, Washington.

9 4. Ms. Guy asserts that the Subject Colt Pistol was stolen from Mr. Ward prior
10 to his death on June 10, 2017.

11 5. Ms. Guy asserts that she and Mr. Ward were registered domestic partners in
12 the State of Washington. Ms. Guy further asserts that she is Mr. Ward's successor, as
13 defined in RCW 11.62.005, and that she is entitled to ownership of the Subject Colt
14 Pistol.

15 6. Ms. Guy represents that, to the best of her knowledge, no one else has an
16 ownership interest in the Subject Colt Pistol.

17 7. Ms. Guy represents that she does not know Defendant or how Defendant
18 acquired the Subject Colt Pistol. To the best of Ms. Guy's knowledge, Mr. Ward did not
19 know Defendant.

20 8. The Federal Bureau of Investigation has confirmed that Ms. Guy has no
21 identifiable criminal history precluding her from possessing firearms at this time.

22 9. Ms. Guy affirms that neither she nor any person living in her residence is
23 prohibited from possessing firearms.

24 10. Based on the information and affirmations reflected in Paragraphs 2–7,
25 above, the United States agrees that Mr. Ward had a vested interest in the Subject Colt
26 Pistol, pursuant to 21 U.S.C. § 853(n)(6)(A), before Defendant Otis Lee Dew possessed
27

1 it. The United States further agrees that as Mr. Ward's successor, Ms. Guy has a superior
2 interest in the Subject Colt Pistol as well.

3 11. The United States recognizes the interest asserted by Ms. Guy to the
4 Subject Colt Pistol and agrees to release the Subject Colt Pistol to Ms. Guy following the
5 criminal proceedings in this case, to include any criminal appeal. The seizing agency,
6 FBI, will affect the return of the Subject Colt Pistol to Ms. Guy.

7 12. Ms. Guy understands the Subject Colt Pistol constitutes evidence in this
8 case and cannot be returned prior to the completion of these criminal proceedings, to
9 include any criminal appeal.

10 13. Ms. Guy understands and agrees the Subject Colt Pistol will be returned to
11 her in its current condition, as it was seized from Defendant in this case.

12 14. Ms. Guy understands and agrees that this Stipulation fully and finally
13 resolves any claim she and/or Mr. Ward's estate may have to the Subject Property. Ms.
14 Guy waives any right to further litigate or pursue this claim, in this or any other
15 proceeding, judicial or administrative.

16 15. Upon return of the Subject Colt Pistol, Ms. Guy agrees to release and hold
17 harmless the United States, its agents, representatives, and/or employees, as well as any
18 involved state or local law enforcement agencies, their agents, representatives, and/or
19 employees, from any and all claims Ms. Guy may possess, or that may arise, based on the
20 United States' actions against the Subject Property, including the Subject Colt Pistol.

21 16. The United States and Ms. Guy agree they will each bear their own costs,
22 fees, and expenses incurred in these ancillary forfeiture proceedings.

23 17. The United States and Ms. Guy agree that the terms of this Stipulation and
24 Agreement are subject to review and approval by the Court, as provided in the proposed
25 Order below. If the Court enters the proposed Order, Ms. Guy shall be relieved from
26 further participation in this criminal ancillary proceeding, other than to implement the
27 terms of this Stipulation and Agreement or unless specifically directed by an order of the

1 Court. If the Court enters the proposed Order, a violation of any term or condition of this
2 Stipulation shall be construed to be a violation of that Order.

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4 Respectfully submitted,
5 TEAL LUTHY MILLER
6 Acting United States Attorney

7 DATED: July 15, 2025

s/Karyn S. Johnson
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17 DATED: July 12, 2025

s/Kristie Guy
KRISTIE GUY*
Third-Party Claimant of behalf of the Estate of
Michael W. Ward
Marysville, WA
*Signed by AUSA Johnson on behalf of
Kristie Guy per email authorization on
July 12, 2025

ORDER

The Court has reviewed the above Stipulation between the United States and Third-Party Claimant Kristie Guy on behalf of the Estate of Michael W. Ward, settling the interest Ms. Guy has asserted in the Subject Colt Pistol (Dkt. No. 48), which was forfeited by Defendant Otis Lee Dew in this case (Dkt. No. 37).

The Court HEREBY GRANTS the stipulated motion to settle Kristie Guy's claim, according to the terms of the Stipulation and Agreement. Dkt. No. 53.

DATED this 15th day of July, 2025.



Kymberly K. Evanson
United States District Judge